



DEPARTMENT OF DEFENSE  
EDUCATION ACTIVITY  
4040 NORTH FAIRFAX DRIVE  
ARLINGTON, VIRGINIA 22203-1635

Equal Employment Opportunity

DoDEA Regulation 5713.9

Date: MAR 2 2004

DEPARTMENT OF DEFENSE EDUCATION ACTIVITY  
EQUAL EMPLOYMENT OPPORTUNITY PROGRAM

- References: (a) DS Regulation 5713.9, "Equal Employment Opportunity Program," September 25, 1992, (hereby canceled)
- (b) Title 29, Code of Federal Regulations, Part 1614, "Federal Sector Equal Employment Opportunity," (current edition)
- (c) DoD Directive 1440.1, "The Civilian Equal Employment Opportunity (EEO) Program," April 17, 1992, as amended
- (d) Equal Employment Opportunity Commission (EEOC) Management Directive 110, "Federal Sector Complaints Processing Manual," November 9, 1999, as amended
- (e) Public Law 107-174, "Notification and Federal Employee Antidiscrimination and Retaliation Act (NO FEAR) of 2002," May 15, 2002

1. REISSUANCE AND PURPOSE

This Regulation reissues reference (a) to update the Equal Employment Opportunity (EEO) policies and responsibilities for the Department of Defense Education Activity (DoDEA) under references (b), (c), (d) and (e).

2. APPLICABILITY AND SCOPE

2.1. This Regulation applies to all DoDEA employees, former employees, and applicants for DoDEA employment, and all entities that receive administrative support from the DoDEA EEO Office.

2.2. This Regulation does not apply to aliens employed in positions, or who apply for positions, located outside the limits of the United States; or to Equal Pay Act complaints of employees whose services are performed within a foreign country or certain United States territories as provided in 29 U.S.C. 213(f).

3. DEFINITIONS

Terms used in this Regulation are defined in Enclosure 1.

#### 4. POLICY

It is DoDEA policy that employment practices will adhere to DoD Directive 1440.1 (reference (c)) which:

4.1. Ensures equal employment opportunity for all employees and applicants for DoDEA employment.

4.2. Prohibits discrimination based on race, color, religion, sex, national origin, age, or qualified physical or mental disability.

4.3. Prevents restraint, interference, coercion, harassment, discrimination or reprisal against persons who oppose discrimination or who take part in presenting or processing discrimination complaints.

4.4. Promotes the full realization of equal employment opportunity through a continuing affirmative action program.

4.5. Ensures the development, implementation, and evaluation of the Affirmative Action Program for Minorities and Women/Persons with Disabilities and Special Emphasis Programs to assure that DoDEA's workforce is reflective of the nation's diversity.

#### 5. RESPONSIBILITIES

5.1. The Director, DoDEA, as the EEO Director, shall:

5.1.1. Plan, manage, and direct the DoDEA Equal Employment Opportunity Office and its subordinate elements.

5.1.2. Exercise authority, direction, and control over the DoDEA Chief, EEO.

5.2. The DoDEA Chief, EEO, under the authority, direction, and control of the Director, DoDEA, shall:

5.2.1. Advise the Director, DoDEA, on EEO matters.

5.2.2. Implement policies and procedures in support of the DoDEA EEO Program.

5.2.3. Implement Affirmative Action initiatives.

5.2.4. Identify systemic barriers and discriminatory practices that impede cultivation of a diverse workforce.

5.2.5. Resolve disputes at the lowest possible level utilizing alternative dispute resolution techniques.

5.2.6. Develop and issue the following reports at the close of the fiscal year (references (b) and (e)):

5.2.6.1. EEOC Form 462: Annual Statistical Report of Discrimination Complaints

5.2.6.2. EEOC MD-715 Annual Report: Affirmative Action Programs

5.2.6.3. NO FEAR Act Report

5.2.7. Forward reports listed in 5.2.6.1. and 5.2.6.2. to the EEOC for use by United States Congress (reference (b)) and 5.2.6.3. to the United States Congress, EEOC and Attorney General (reference (e)).

5.2.8. Distribute reports listed in 5.2.6.1., 5.2.6.2., and 5.2.6.3., within DoDEA to all directors and relative administrators, managers, and supervisors.

5.2.9. Coordinate with DoDEA administrators, managers, and supervisors on the establishment and maintenance of an EEO Affirmative Action Plan applicable to their areas of responsibility.

5.2.10. Process complaints of discrimination.

5.2.11. Resolve workplace disputes at the lowest possible level.

5.2.12. Design and implement audit and reporting systems that will measure EEO Program effectiveness.

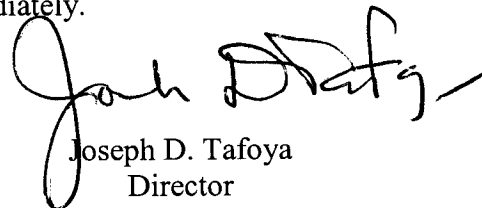
5.2.13. Render the final DoDEA decision in discrimination complaint cases for review and signature by the Director, DoDEA, in accordance with reference (b).

5.2.14. Supervise and manage the day-to-day operations of the EEO Program.

5.3. The Director, DoDEA, and the DoDEA Chief, EEO, are the designated officials to receive formal complaints of discrimination.

## 6. EFFECTIVE DATE AND IMPLEMENTATION

This Regulation is effective immediately.



Joseph D. Tafoya  
Director

Enclosures - 1  
E1. Definitions

## E1. ENCLOSURE 1

### DEFINITIONS

E1.1. Affirmative Action. A tool to achieve equal employment opportunity. A program of self-analysis, problem identification, data collection, policy statements, reporting systems, and elimination of discriminatory policies and practices, past and present.

E1.2. Age. A prohibited basis for discrimination. For purposes of this Regulation, persons protected under age discrimination provisions are those 40 years of age or older, except when a maximum age requirement has been established by statute or the Office of Personnel Management.

E1.3. Discrimination. Illegal treatment of a person or group based on race, color, national origin, religion, sex, age, or disability.

E1.4. Equal Employment Opportunity (EEO). The right of all persons to work and advance on the basis of merit, ability, and potential, free from social, personal, or institutional barriers of prejudice and discrimination.

E1.5. People with Disabilities. People who have a physical or mental impairment that substantially limits one or more major life activities, have a record of such impairment, or are regarded as having such an impairment. For purposes of this Regulation, such term does not include any individual who is an alcoholic or drug abuser and whose current use of alcohol or drugs prevents such individual from performing the duties of the job in question, or whose employment, by reason of such current alcohol or drug abuse, would constitute a direct threat to property or to the safety of others.

E1.6. Minorities. All persons classified as black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, and American Indian or Alaskan Native.

E1.7. National Origin. A prohibited basis for discrimination. An individual's place or origin or his or her ancestor's place of origin or the possession of physical, cultural, or linguistic characteristics of a national origin group.

E1.8. Race. A prohibited basis for discrimination. For purposes of this Regulation, all persons are classified as black (not of Hispanic origin), Hispanic, Asian or Pacific Islander, American Indian or Alaskan Native, and white.

E1.9. Religion. Traditional systems of religious belief and moral or ethical beliefs as to what is right and wrong that are sincerely held with the strength of traditional religious views. The phrase "religious practice" as used in this Regulation includes both religious observances and practices. DoDEA will accommodate an employee's religious practices unless doing so causes undue hardship on the conduct of DoDEA's business.

E1.10. Sexual Harassment. A form of sex discrimination that involves unwelcomed sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature.